

An indictment under this section for obtaining "current money" is sustained by proving the obtention of a check for the sum charged, the check being the means by which the money was procured. *Schaumloeffel v. State*, 102 Md. 474.

This section held applicable to a slave. *Negro Hammond v. State*, 14 Md. 148.

For a suit for malicious prosecution growing out of an indictment under this section, see *Stansbury v. Fogle*, 37 Md. 369.

As to indictments for false pretenses, see sections 498, 501 and 502.

1914, ch. 281.

123. Every person who, with intent to cheat and defraud another, shall obtain money, credit, goods, wares or anything of value by means of a check, draft or any other negotiable instrument of any kind drawn upon any bank, person, firm or corporation, not indebted to drawer, or where he has not provided for the payment or acceptance, and the same be not paid upon presentation, shall be deemed to have obtained such money, credit, goods or things of value by means of a false pretense, and upon conviction, shall be fined or imprisoned, or both, as provided in Section 122 of this Article, at the discretion of the Court. The giving of the aforesaid worthless check, draft or negotiable instrument shall be *prima facie* evidence of intent to cheat or defraud; provided that if such person shall deposit with the drawee of such paper within ten days thereafter funds sufficient to meet the same, with all costs and interest which may have accrued, he shall not be prosecuted under this Section, and no prosecution either by presentment, indictment or otherwise, shall be instituted or commenced until after the expiration of said period of ten days.

1904, art. 27, sec. 113. 1888, art. 27, sec. 83. 1860, art. 30, sec. 53.
1835, ch. 319, sec. 3.

124. When any person shall be convicted of any statutory felony or misdemeanor, for the false or fraudulent obtention or embezzlement, secreting or making way with goods, chattels, valuable effects, money or securities, the court before whom any such conviction shall be had may award restitution to the real owner thereof; provided, however, that no *bona fide* holder thereof shall be obliged to surrender up the same.

See section 285.

Ibid. sec. 114. 1888, art. 27, sec. 84. 1888, ch. 280.

125. Every person who by any false pretense shall obtain from any club, association, society or company for improving the breed of cattle, horses, sheep, swine and other domestic animals a certificate of registration of any animal in the herd register or other register of any such club, association, society or company, or a transfer of any such registration, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.